

106TH CONGRESS  
1ST SESSION

# H. R. 2679

To amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 1999

Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. PETRI, and Mr. RAHALL) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Motor Carrier Safety Act of 1999”.

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

- Sec. 2. Findings.
- Sec. 3. Purposes.

#### TITLE I—NATIONAL MOTOR CARRIER ADMINISTRATION

- Sec. 101. Establishment of National Motor Carrier Administration.
- Sec. 102. Motor carrier safety strategy.
- Sec. 103. Revenue aligned budget authority.
- Sec. 104. Additional funding for motor carrier safety grant program.
- Sec. 105. Motor carrier safety advisory committee.
- Sec. 106. Effective date.

#### TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

- Sec. 201. Disqualifications.
- Sec. 202. CDL school bus endorsement.
- Sec. 203. Requirements for State participation.
- Sec. 204. State noncompliance.
- Sec. 205. 24-hour staffing of telephone hotline.
- Sec. 206. Checks before issuance of driver's licenses.
- Sec. 207. Border staffing standards.
- Sec. 208. Minimum and maximum assessments.
- Sec. 209. Study of commercial motor vehicle crash causation and data improvement.

### 1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The current rate, number, and severity of  
 4 crashes involving motor carriers in the United States  
 5 are unacceptable.

6 (2) The number of Federal and State commer-  
 7 cial motor vehicle and operator inspections is too low  
 8 and the number and size of civil penalties for viola-  
 9 tors must be sufficient to establish a credible deter-  
 10 rent to future violations.

11 (3) The Department of Transportation takes  
 12 too long to complete statutorily mandated rule-  
 13 making proceedings on motor carrier safety and, in  
 14 some significant safety rulemaking proceedings, in-

1 including driver hours-of-service regulations, extensive  
2 periods have elapsed without progress toward resolu-  
3 tion or implementation.

4 (4) Too few motor carriers undergo compliance  
5 reviews and the Department's data bases and infor-  
6 mation systems require substantial improvement to  
7 enhance the Department's ability to target inspec-  
8 tion and enforcement resources toward the most se-  
9 rious safety problems and to improve States' ability  
10 to keep dangerous drivers off the roads.

11 (5) There needs to be a substantial increase in  
12 appropriate facilities and personnel in international  
13 border areas to ensure that commercial motor vehi-  
14 cles, drivers, and carriers comply with United States  
15 safety standards.

16 (6) The Department should rigorously avoid  
17 conflicts of interest in research awards in Federally  
18 funded research.

19 (7) Unless meaningful measures to improve  
20 safety are implemented expeditiously, projected in-  
21 creases in vehicle-miles traveled will raise the number  
22 of crashes, injuries, and fatalities even higher.

23 (8) Wisely used additional funding and per-  
24 sonnel are essential to the Department's ability to  
25 improve its research, rulemaking, oversight, and en-

1 enforcement activities related to commercial motor ve-  
2 hicles, operators, and carriers.

3 **SEC. 3. PURPOSES.**

4 The purposes of this Act are—

5 (1) to improve the administration of the Fed-  
6 eral motor carrier safety program and to establish a  
7 National Motor Carrier Administration in the De-  
8 partment of Transportation; and

9 (2) to reduce the number and severity of large-  
10 truck involved crashes through more commercial  
11 motor vehicle and operator inspections and motor  
12 carrier compliance reviews, stronger enforcement  
13 measures against violators, expedited completion of  
14 rulemaking proceedings, scientifically sound re-  
15 search, and effective commercial driver's license test-  
16 ing, recordkeeping and sanctions.

17 **TITLE I—NATIONAL MOTOR**  
18 **CARRIER ADMINISTRATION**

19 **SEC. 101. ESTABLISHMENT OF NATIONAL MOTOR CARRIER**  
20 **ADMINISTRATION.**

21 (a) IN GENERAL.—Chapter 1 of title 49, United  
22 States Code, is amended by adding at the end the fol-  
23 lowing:

1   **“§ 113. National Motor Carrier Administration**

2           “(a) IN GENERAL.—The National Motor Carrier Ad-  
3   ministration shall be an administration of the Department  
4   of Transportation.

5           “(b) SAFETY AS HIGHEST PRIORITY.—In carrying  
6   out its duties, the Administration shall consider the as-  
7   signment and maintenance of safety as the highest pri-  
8   ority, recognizing the clear intent, encouragement, and  
9   dedication of Congress to the furtherance of the highest  
10   degree of safety in motor carrier transportation.

11          “(c) ADMINISTRATOR.—The head of the Administra-  
12   tion shall be the Administrator who shall be appointed by  
13   the President, by and with the advice and consent of the  
14   Senate. The Administrator shall report directly to the Sec-  
15   retary of Transportation.

16          “(d) DEPUTY ADMINISTRATOR.—The Administration  
17   shall have a Deputy Administrator appointed by the Sec-  
18   retary, with the approval of the President. The Deputy  
19   Administrator shall carry out duties and powers pre-  
20   scribed by the Administrator.

21          “(e) CHIEF SAFETY OFFICER.—The Administration  
22   shall have an Assistant National Motor Carrier Adminis-  
23   trator appointed in the competitive service by the Sec-  
24   retary, with the approval of the President. The Assistant  
25   Administrator shall be the Chief Safety Officer of the Ad-

1 ministration. The Assistant Administrator shall carry out  
2 the duties and powers prescribed by the Administrator.

3 “(f) REGULATORY OMBUDSMAN.—The Administra-  
4 tion shall have a Regulatory Ombudsman appointed by the  
5 Administrator. The Secretary and the Administrator shall  
6 each delegate to the Ombudsman such authority as may  
7 be necessary for the Ombudsman to expedite rulemaking  
8 proceedings to comply with statutory and internal depart-  
9 mental deadlines, including authority to—

10 “(1) make decisions to resolve disagreements  
11 between officials in the Administration who are par-  
12 ticipating in a rulemaking process; and

13 “(2) ensure that sufficient staff are assigned to  
14 rulemaking projects to meet all deadlines.

15 “(g) OFFICES OF PASSENGER VEHICLE SAFETY,  
16 CONSUMER AFFAIRS, AND INTERNATIONAL AFFAIRS.—  
17 The Administration shall have an Office of Passenger Ve-  
18 hicle Safety, an Office of Consumer Affairs, and an Office  
19 of International Affairs.

20 “(h) POWERS AND DUTIES.—The Administrator  
21 shall carry out—

22 “(1) duties and powers related to motor car-  
23 riers or motor carrier safety vested in the Secretary  
24 by chapters 5, 51, 55, 57, 59, 133 through 149,  
25 311, 313, and 315; and

1           “(2) additional duties and powers prescribed by  
2       the Secretary.

3           “(i) LIMITATION ON TRANSFER OF POWERS AND DU-  
4       TIES.—A duty or power specified in subsection (h)(1) may  
5       only be transferred to another part of the Department  
6       when specifically provided by law.

7           “(j) EFFECT OF CERTAIN DECISIONS.—A decision of  
8       the Administrator involving a duty or power specified in  
9       subsection (h)(1) and involving notice and hearing re-  
10      quired by law is administratively final.

11          “(k) CONSULTATION.—The Administrator shall con-  
12      sult with the Federal Highway Administrator and with the  
13      National Highway Traffic Safety Administrator on mat-  
14      ters related to highway and motor carrier safety.”.

15          (b) ADMINISTRATIVE EXPENSES.—Section 104(a)(1)  
16      of title 23, United States Code, is amended—

17              (1) in paragraph (1) by redesignating subpara-  
18              graphs (A) and (B) as clauses (i) and (ii), respec-  
19              tively, and by moving the text of such clauses 2 ems  
20              to the right;

21              (2) in paragraph (1) by striking “exceed 1½  
22              percent of all sums so made available, as the Sec-  
23              retary determines necessary—” and inserting  
24              “exceed—

1           “(A)  $1\frac{1}{6}$  percent of all sums so made  
 2           available, as the Secretary determines nec-  
 3           essary—”;

4           (3) by striking the period at the end of para-  
 5           graph (1)(A)(ii) (as redesignated by paragraphs (1)  
 6           and (2) of this subsection) and inserting “; and”  
 7           and the following:

8           “(B)  $\frac{1}{3}$  of one percent of all sums so made  
 9           available, as the Secretary determines nec-  
 10          essary, to administer the provisions of law to be  
 11          financed from appropriations for motor carrier  
 12          safety programs and motor carrier safety re-  
 13          search.”; and—

14          (4) by adding at the end the following:

15          “(4) LIMITATION ON TRANSFERABILITY.—Un-  
 16          less expressly authorized by law, the Secretary may  
 17          not transfer any sums deducted under paragraph (1)  
 18          to a Federal agency or entity other than the Federal  
 19          Highway Administration and the National Motor  
 20          Carrier Administration.”.

21          (c) CONFORMING AMENDMENTS.—

22          (1) CHAPTER ANALYSIS.—The analysis for  
 23          chapter 1 of title 49, United States Code, is amend-  
 24          ed by adding at the end the following:

“113. National Motor Carrier Administration.”.



1           (2) FEDERAL HIGHWAY ADMINISTRATION.—  
2       Section 104 of title 49, United States Code, is  
3       amended—

4           (A) in subsection (c)—

5               (i) by striking the semicolon at the  
6               end of paragraph (1) and inserting “;  
7               and”;

8               (ii) by striking paragraph (2); and

9               (iii) by redesignating paragraph (3) as  
10              paragraph (2);

11           (B) by striking subsection (d); and

12           (C) by redesignating subsection (e) as sub-  
13           section (d).

14       (d) POSITIONS IN EXECUTIVE SERVICE.—

15           (1) ADMINISTRATOR.—Section 5314 of title 5,  
16       United States Code, is amended by inserting after  
17           “Administrator of the National Highway Traf-  
18       fic Safety Administration.”

19           the following:

20           “Administrator of the National Motor Carrier  
21       Administration.”.

22           (2) DEPUTY AND ASSISTANT ADMINISTRA-  
23       TORS.—Section 5316 of title 5, United States Code,  
24       is amended by inserting after

1 “Deputy Administrator of the National High-  
2 way Traffic Safety Administration.”

3 the following:

4 “Deputy Administrator of the National Motor  
5 Carrier Administration.

6 “Assistant National Motor Carrier Adminis-  
7 trator.”.

8 (e) CONFLICTS OF INTEREST.—

9 (1) COMPLIANCE WITH REGULATION.—In  
10 awarding any contract for research, the National  
11 Motor Carrier Administrator shall comply with sec-  
12 tion 1252.209–70 of title 48, Code of Federal Regu-  
13 lations, as in effect on the date of enactment of this  
14 section. The Administrator shall require that the  
15 text of such section be included in any request for  
16 proposal and contract for research made by the Ad-  
17 ministrator.

18 (2) STUDY.—

19 (A) IN GENERAL.—The Administrator  
20 shall conduct a study to determine whether or  
21 not compliance with the section referred to in  
22 paragraph (1) is sufficient to avoid real or per-  
23 ceived conflicts of interest in contracts for re-  
24 search awarded by the Administrator and to  
25 evaluate whether or not compliance with such

1 section unreasonably delays or burdens the  
2 awarding of such contracts.

3 (B) CONSULTATION.—In conducting the  
4 study under this paragraph, the Administrator  
5 shall consult, as appropriate, with the Inspector  
6 General of the Department of Transportation,  
7 the Comptroller General, the heads of other  
8 Federal agencies, research organizations, indus-  
9 try representatives, employee organizations,  
10 safety organizations, and other entities.

11 (C) REPORT.—Not later than 18 months  
12 after the date of enactment of this Act, the Ad-  
13 ministrator shall submit to Congress a report  
14 on the results of the study conducted under this  
15 paragraph.

16 **SEC. 102. MOTOR CARRIER SAFETY STRATEGY.**

17 (a) SAFETY GOALS.—In conjunction with existing  
18 strategic planning efforts, the Secretary of Transportation  
19 shall develop a long-term strategy for improving commer-  
20 cial motor vehicle, operator, and carrier safety. The strat-  
21 egy shall include an annual plan and schedule for achiev-  
22 ing, at a minimum, the following goals:

23 (1) Reducing the number and rates of crashes,  
24 injuries, and fatalities, involving commercial motor  
25 vehicles.

1           (2) Improving the consistency and effectiveness  
2 of commercial motor vehicle, operator, and carrier  
3 enforcement and compliance programs.

4           (3) Identifying and targeting enforcement ef-  
5 forts at high-risk commercial motor vehicles, opera-  
6 tors, and carriers.

7           (4) Improving research efforts to enhance and  
8 promote commercial motor vehicle, operator, and  
9 carrier safety and performance.

10 (b) CONTENTS OF STRATEGY.—

11           (1) MEASURABLE GOALS.—The strategy and  
12 annual plans under subsection (a) shall include, at  
13 a minimum, specific numeric or measurable goals  
14 designed to achieve the strategic goals of subsection  
15 (a). The purposes of the numeric or measurable  
16 goals are as follows:

17           (A) To increase the number of inspections  
18 and compliance reviews to ensure that all high-  
19 risk commercial motor vehicles, operators, and  
20 carriers are examined.

21           (B) To eliminate, with meaningful safety  
22 measures, the backlog of rulemakings.

23           (C) To improve the quality and effective-  
24 ness of data bases by ensuring that all States

1           and inspectors accurately and promptly report  
2           complete safety information.

3           (E) To eliminate, with meaningful civil and  
4           criminal penalties for violations, the backlog of  
5           enforcement cases.

6           (E) To provide for a sufficient number of  
7           Federal and State safety inspectors, and pro-  
8           vide adequate facilities and equipment, at inter-  
9           national border areas.

10          (2) RESOURCE NEEDS.—In addition, the strat-  
11         egy and annual plans shall include estimates of the  
12         funds and staff resources needed to accomplish each  
13         activity. Such estimates shall also include the staff  
14         skills and training needed for timely and effective  
15         accomplishment of each goal.

16         (c) SUBMISSION WITH THE PRESIDENT’S BUDGET.—  
17         Beginning with fiscal year 2001 and each fiscal year there-  
18         after, the Secretary shall submit to Congress the strategy  
19         and annual plan at the same time as the President’s budg-  
20         et submission.

21         (d) ANNUAL PERFORMANCE.—

22                 (1) ANNUAL PERFORMANCE AGREEMENT.—For  
23         each of fiscal years 2001 through 2003, the fol-  
24         lowing officials shall enter into annual performance  
25         agreements:

1 (A) The Secretary and the National Motor  
2 Carrier Administrator.

3 (B) The Administrator and the Deputy  
4 National Motor Carrier Administrator.

5 (C) The Administrator and the Chief Safe-  
6 ty Officer of the National Motor Carrier Ad-  
7 ministration.

8 (D) The Administrator and the Regulatory  
9 Ombudsman of the Administration.

10 (2) GOALS.—

11 (A) IN GENERAL.—Each annual perform-  
12 ance agreement shall set forth measurable orga-  
13 nization and individual goals for each lower  
14 ranking official referred to in paragraph (1).

15 (B) ADMINISTRATOR, DEPUTY ADMINIS-  
16 TRATOR, AND CHIEF SAFETY OFFICER.—The  
17 performance agreements entered into under  
18 paragraphs (1)(A), (1)(B), and (1)(C) shall in-  
19 clude the numeric or measurable goals of sub-  
20 section (b).

21 (C) REGULATORY OMBUDSMAN.—The per-  
22 formance agreement entered into under para-  
23 graph (1)(D) shall include goals in key oper-  
24 ational areas, including promptly completing

1 rulemaking proceedings and complying with  
2 statutory and internal departmental deadlines.

3 (3) PROGRESS ASSESSMENT.—No less fre-  
4 quently than semiannually, the Secretary shall as-  
5 sess the progress of each lower ranking official re-  
6 ferred to in paragraph (1) toward achieving the  
7 goals in his or her performance agreement. The Sec-  
8 retary shall convey the assessment to such official,  
9 including identification of any deficiencies that  
10 should be remediated before the next progress as-  
11 sessment.

12 (4) REVIEW AND RENEGOTIATION.—Each  
13 agreement entered into under paragraph (1) shall be  
14 subject to review and renegotiation on an annual  
15 basis.

16 (5) PERFORMANCE DIVIDENDS.—

17 (A) GENERAL AUTHORITY.—The Secretary  
18 may award to the Administrator, and the Ad-  
19 ministrator may award to each of the Deputy  
20 Administrator, Chief Safety Officer, and Regu-  
21 latory Ombudsman, an annual performance div-  
22 idend of not to exceed \$15,000.

23 (B) CRITERIA FOR AWARD.—If the Sec-  
24 retary finds that the Administrator has, and if  
25 the Administrator finds that one or more of the

1 Deputy Administrator, Chief Safety Officer,  
2 and Regulatory Ombudsman have, made sub-  
3 stantial progress toward meeting the goals of  
4 his or her performance agreement, the Sec-  
5 retary or Administrator, as the case may be,  
6 may award a performance dividend under this  
7 paragraph commensurate with such progress.

8 (C) LIMITATION.—Notwithstanding sub-  
9 paragraph (A), no performance dividend may be  
10 awarded to an official under this paragraph  
11 until the Administrator has submitted to the  
12 Office of Management and Budget regulations  
13 issued, after the date of enactment of this Act,  
14 to implement the safety fitness requirements of  
15 section 31144 of title 49, United States Code.  
16 The Secretary may waive the applicability of  
17 the preceding sentence (i) upon a finding of ex-  
18 traordinary circumstances, or (ii) for an official  
19 who has served in his or her position for less  
20 than 365 days.

21 (e) ACHIEVEMENT OF GOALS.—

22 (1) PROGRESS ASSESSMENT.—No less fre-  
23 quently than semiannually, the Secretary and the  
24 Administrator shall assess the progress of the Ad-  
25 ministration toward achieving the strategic goals of



1 subsection (a). The Secretary and the Administrator  
2 shall convey their assessment to the employees of the  
3 Administration and shall identify any deficiencies  
4 that should be remediated before the next progress  
5 assessment.

6 (2) BONUS DISTRIBUTION.—In conjunction  
7 with the existing performance appraisal process, the  
8 Secretary and the Administrator shall award bo-  
9 nuses to all employees and officials of the Adminis-  
10 tration (other than officials to which subsection (d)  
11 applies) if the Secretary and the Administrator de-  
12 termine that the performance of the Administration  
13 merits the awarding of such bonuses. The Secretary  
14 and the Administrator shall determine the size of bo-  
15 nuses to be awarded under this paragraph based  
16 solely on the performance of the Administration in  
17 its entirety and not on the performance of any indi-  
18 vidual employee or official.

19 (f) MISCELLANEOUS PROVISIONS.—

20 (1) FUNDING.—The Secretary may use  
21 amounts deducted under section 104(a)(1)(B) of  
22 title 23, United States Code, to make awards of per-  
23 formance dividends and bonuses under this section.

24 (2) RELATIONSHIP TO OTHER LAWS.—The au-  
25 thority to award performance dividends and bonuses

1 under this section shall be in addition to any author-  
2 ity providing for bonuses or other incentives under  
3 title 5, United States Code.

4 (g) REPORT TO CONGRESS.—The Secretary shall re-  
5 port annually to Congress the contents of each perform-  
6 ance agreement entered into under subsection (d), the offi-  
7 cial's performance relative to the goals of the performance  
8 agreement, and the performance dividends awarded or not  
9 awarded based on the performance of the official. In addi-  
10 tion, the Secretary shall report to Congress on the per-  
11 formance of the Administration relative to the goals of the  
12 motor carrier safety strategy and annual plan under sub-  
13 section (a) and the bonuses awarded or not awarded based  
14 on the performance of the Administration. The fiscal year  
15 2002 annual report shall include an assessment of the ef-  
16 fectiveness of the performance dividends and agencywide  
17 bonuses in improving the Administration's performance.

18 **SEC. 103. REVENUE ALIGNED BUDGET AUTHORITY.**

19 (a) IN GENERAL.—Chapter 1 of title 23, United  
20 States Code, is amended—

21 (1) by redesignating the first section 110, relat-  
22 ing to uniform transferability of Federal-aid highway  
23 funds, as section 126 and moving and inserting such  
24 section after section 125 of such chapter; and

1           (2) in the remaining section 110, relating to  
2       revenue aligned budget authority—

3           (A) in subsection (a)(2) by inserting “and  
4       the motor carrier safety grant program” after  
5       “relief”); and

6           (B) in subsection (b)(1)(A)—

7           (i) by inserting “and the motor carrier  
8       safety grant program” after “program”);

9           (ii) by striking “title and” and insert-  
10       ing “title,”; and

11          (iii) by inserting “, and subchapter I  
12       of chapter 311 of title 49” after “21st  
13       Century”.

14       (b) CONFORMING AMENDMENT.—The analysis for  
15   such chapter is amended—

16          (1) by striking

“110. Uniform transferability of Federal-aid highway funds.”;

17          (2) by inserting after the item relating to sec-  
18       tion 125 the following:

“126. Uniform transferability of Federal-aid highway funds.”;

19       and

20          (3) in the item relating to section 163 by strik-  
21       ing “Sec.”.

1 **SEC. 104. ADDITIONAL FUNDING FOR MOTOR CARRIER**  
2 **SAFETY GRANT PROGRAM.**

3 (a) IN GENERAL.—There shall be available out of the  
4 Highway Trust Fund (other than the Mass Transit Ac-  
5 count) for the Secretary of Transportation to incur obliga-  
6 tions to carry out section 31102 of title 49, United States  
7 Code, \$75,000,000 for each of fiscal years 2000 through  
8 2003.

9 (b) TREATMENT.—Amounts made available by sub-  
10 section (a) of this section shall be treated for purposes  
11 of section 31104 of title 49, United States Code, as being  
12 made available by subsection (a) of such section and shall  
13 be in addition to amounts made available by subsection  
14 (a) of such section and shall be subject to an obligation  
15 limitation separate from any obligation limitation applica-  
16 ble to funds made available by such section.

17 (c) INCREASED AUTHORIZATIONS FOR MOTOR CAR-  
18 RIER SAFETY GRANTS.—

19 (1) IN GENERAL.—Section 4003 of the Trans-  
20 portation Equity Act for the 21st Century (112  
21 Stat. 395–398) is amended by adding at the end the  
22 following:

23 “(i) INCREASED AUTHORIZATIONS FOR MOTOR CAR-  
24 RIER SAFETY GRANTS.—The amount made available to  
25 incur obligations to carry out section 31102 of title 49,  
26 United States Code, by section 31104(a) of such title—

1 “(1) for fiscal year 2000 shall be increased by  
2 \$55,000,000; and

3 “(2) for each of fiscal years 2001 through 2003  
4 shall be increased by \$65,000,000.”.

5 (2) CORRESPONDING REDUCTION TO OBLIGA-  
6 TION CEILING.—Section 1102 of such Act (23  
7 U.S.C. 104 note; 112 Stat. 1115–1118) is amended  
8 by adding at the end the following:

9 “(j) REDUCTION IN OBLIGATION CEILING.—The limi-  
10 tation on obligations imposed by subsection (a)—

11 “(1) for fiscal year 2000 shall be reduced by  
12 \$55,000,000; and

13 “(2) for each of fiscal years 2001 through 2003  
14 shall be reduced by \$65,000,000.”.

15 (d) MAINTENANCE OF EFFORT.—The Secretary may  
16 not make, from funds made available by this section (in-  
17 cluding any amendment made by this section), a grant to  
18 a State unless the State first enters into a binding agree-  
19 ment with the Secretary that provides that the total ex-  
20 penditures of amounts of the State and its political sub-  
21 divisions (not including amounts of the United States) for  
22 the development or implementation of programs for im-  
23 proving motor carrier safety and enforcement of regula-  
24 tions, standards, and orders of the United States on com-  
25 mercial motor vehicle safety, hazardous materials trans-

1 portation safety, and compatible State regulations, stand-  
2 ards, and orders will be maintained at a level at least equal  
3 to the level of such expenditures for fiscal year 1999.

4 (e) STATE COMPLIANCE WITH CDL REQUIRE-  
5 MENTS.—

6 (1) WITHHOLDING OF ALLOCATION FOR NON-  
7 COMPLIANCE.—If a State is not in substantial com-  
8 pliance with each requirement of section 31311 of  
9 title 49, United States Code, the Secretary shall  
10 withhold all amounts that would be allocated, but for  
11 this paragraph, to the State from funds made avail-  
12 able by this section (including any amendment made  
13 by this section).

14 (2) PERIOD OF AVAILABILITY OF WITHHELD  
15 FUNDS.—Any funds withheld under paragraph (1)  
16 from any State shall remain available until June 30  
17 of the fiscal year for which the funds are authorized  
18 to be appropriated.

19 (3) ALLOCATION OF WITHHELD FUNDS AFTER  
20 COMPLIANCE.—If, before the last day of the period  
21 for which funds are withheld under paragraph (1)  
22 from allocation are to remain available for allocation  
23 to a State under paragraph (2), the Secretary deter-  
24 mines that the State is in substantial compliance  
25 with each requirement of section 31311 of title 49,

1 United States Code, the Secretary shall allocate to  
2 the State the withheld funds.

3 (4) PERIOD OF AVAILABILITY OF SUBSE-  
4 QUENTLY ALLOCATED FUNDS.—Any funds allocated  
5 pursuant to paragraph (3) shall remain available for  
6 expenditure until the last day of the first fiscal year  
7 following the fiscal year in which the funds are so  
8 allocated. Sums not expended at the end of such pe-  
9 riod are released to the Secretary for reallocation.

10 (5) EFFECT OF NONCOMPLIANCE.—If, on June  
11 30 of the fiscal year in which funds are withheld  
12 from allocation under paragraph (1), the State is  
13 not substantially complying with each requirement of  
14 section 31311 of title 49, United States Code, the  
15 funds are released to the Secretary for reallocation.

16 **SEC. 105. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.**

17 (a) ESTABLISHMENT.—The Secretary of Transpor-  
18 tation shall establish in the National Motor Carrier Ad-  
19 ministration a motor carrier safety advisory committee to  
20 advise, consult with, and make recommendations to the  
21 National Motor Carrier Administrator on matters relating  
22 to activities and functions of the Administration.

23 (b) COMPOSITION.—The advisory committee shall be  
24 composed of representatives of the motor carrier industry,  
25 drivers and manufacturers of commercial motor vehicles,

1 employee and safety organizations, enforcement agencies,  
2 insurance industry, and the public.

3 (c) TERMINATION DATE.—The advisory committee  
4 shall remain in effect until September 30, 2003.

5 **SEC. 106. EFFECTIVE DATE.**

6 (a) IN GENERAL.—This title shall take effect on the  
7 date of enactment of this Act; except that the amendments  
8 made by section 101 shall take effect on October 1, 2000.

9 (b) IMPLEMENTATION.—

10 (1) AUTHORITY OF SECRETARY.—The Sec-  
11 retary of Transportation may take such action as  
12 may be necessary before October 1, 2000, to ensure  
13 the orderly transfer of duties and powers related to  
14 motor carrier safety, and employees carrying out  
15 such duties and powers, from the Federal Highway  
16 Administration to the National Motor Carrier Ad-  
17 ministration.

18 (2) BUDGET SUBMISSIONS.—The President's  
19 budget submission for fiscal year 2001 and each fis-  
20 cal year thereafter shall reflect the establishment of  
21 the National Motor Carrier Administration in ac-  
22 cordance with this Act.



1 **TITLE II—COMMERCIAL MOTOR**  
2 **VEHICLE AND DRIVER SAFETY**

3 **SEC. 201. DISQUALIFICATIONS.**

4 (a) DRIVING WHILE DISQUALIFIED AND CAUSING A  
5 FATALITY.—

6 (1) FIRST VIOLATION.—Section 31310(b)(1) of  
7 title 49, United States Code, is amended—

8 (A) by striking “or” at the end of subpara-  
9 graph (B);

10 (B) by striking the period at the end of  
11 subparagraph (C) and inserting a semicolon;  
12 and

13 (C) by adding at the end the following:

14 “(D) committing a first violation of driving a  
15 commercial motor vehicle when the individual’s com-  
16 mercial driver’s license is revoked, suspended, or  
17 canceled based on the individual’s operation of a  
18 commercial motor vehicle or when the individual is  
19 disqualified from operating a commercial motor vehi-  
20 cle based on the individual’s operation of a commer-  
21 cial motor vehicle; or

22 “(E) convicted of causing a fatality through  
23 negligent or criminal operation of a commercial  
24 motor vehicle.”.

1           (2) SECOND AND MULTIPLE VIOLATIONS.—Sec-  
2           tion 31310(c)(1) of such title is amended—

3                   (A) by striking “or” at the end of subpara-  
4                   graph (C);

5                   (B) by redesignating subparagraph (D) as  
6                   subparagraph (F);

7                   (C) by inserting after subparagraph (C)  
8                   the following:

9                   “(D) committing more than one violation of  
10                  driving a commercial motor vehicle when the individ-  
11                  ual’s commercial driver’s license is revoked, sus-  
12                  pended, or canceled based on the individual’s oper-  
13                  ation of a commercial motor vehicle or when the in-  
14                  dividual is disqualified from operating a commercial  
15                  motor vehicle based on the individual’s operation of  
16                  a commercial motor vehicle;

17                  “(E) convicted of more than one offense of  
18                  causing a fatality through negligent or criminal op-  
19                  eration of a commercial motor vehicle; or”; and

20                  (D) in subparagraph (F) (as redesignated  
21                  by subparagraph (B) of this paragraph) by  
22                  striking “clauses (A)–(C) of this paragraph”  
23                  and inserting “subparagraphs (A) through  
24                  (E)”.

1           (3)     CONFORMING     AMENDMENT.—Section  
 2     31301(12)(C) of such title is amended by inserting  
 3     “, other than a violation to which section  
 4     31310(b)(1)(E) or 31310(c)(1)(E) applies” after “a  
 5     fatality”.

6     (b)     EMERGENCY DISQUALIFICATION AND NON-  
 7     COMMERCIAL MOTOR VEHICLE CONVICTIONS.—Section  
 8     31310 of such title is amended—

9           (1) by redesignating subsections (f), (g), and  
 10     (h) as subsections (h), (i), and (j), respectively;

11          (2) by inserting after subsection (e) the fol-  
 12     lowing:

13     “(f) EMERGENCY DISQUALIFICATION.—

14           “(1) LIMITED DURATION.—The Secretary shall  
 15     disqualify an individual from operating a commercial  
 16     motor vehicle for not to exceed 30 days if the Sec-  
 17     retary determines that allowing the individual to  
 18     continue to operate a commercial motor vehicle  
 19     would create an imminent hazard (as such term is  
 20     defined in section 5102).

21           “(2) AFTER NOTICE AND HEARING.—The Sec-  
 22     retary shall disqualify an individual from operating  
 23     a commercial motor vehicle for more than 30 days  
 24     if the Secretary determines, after notice and an op-  
 25     portunity for a hearing, that allowing the individual

1 to continue to operate a commercial motor vehicle  
2 would create an imminent hazard (as such term is  
3 defined in section 5102).

4 “(g) NONCOMMERCIAL MOTOR VEHICLE CONVIC-  
5 TIONS.—Not later than 1 year after the date of enactment  
6 of this Act, the Secretary shall issue regulations providing  
7 for the disqualification by the Secretary from operating  
8 a commercial motor vehicle of an individual who holds a  
9 commercial driver’s license and who has been convicted of  
10 serious offenses involving a motor vehicle other than a  
11 commercial motor vehicle. Such regulations shall establish  
12 the offenses and minimum periods for which such disquali-  
13 fications shall be in effect, but in no case shall the types  
14 of disqualifying noncommercial motor vehicle offenses or  
15 the time periods for disqualification for noncommercial  
16 motor vehicle violations be more stringent than those for  
17 offenses or violations involving a commercial motor vehi-  
18 cle. The Secretary shall determine such periods based on  
19 the seriousness of the offenses on which the convictions  
20 are based.”; and

21 (3) in subsection (h) (as redesignated by para-  
22 graph (1) of this subsection) by striking “(b)–(e)”  
23 each place it appears and inserting “(b) through  
24 (g)”.

1       (c)    SERIOUS   TRAFFIC   VIOLATIONS.—Section  
2 31301(12) of such title is amended—

3           (1) by striking “and” at the end of subpara-  
4 graph (C);

5           (2) by redesignating subparagraph (D) as sub-  
6 paragraph (G); and

7           (3) by inserting after subparagraph (C) the fol-  
8 lowing:

9           “(D) driving a commercial motor vehicle when  
10 the individual has not obtained a commercial driver’s  
11 license;

12          “(E) driving a commercial motor vehicle when  
13 the individual does not have in his or her possession  
14 a commercial driver’s license unless the individual  
15 provides, by the date that the individual must ap-  
16 pear in court or pay any fine with respect to the ci-  
17 tation, to the enforcement authority that issued the  
18 citation proof that the individual held a valid com-  
19 mercial driver’s license on the date of the citation;

20          “(F) driving a commercial motor vehicle when  
21 the individual has not met the minimum testing  
22 standards—

23               “(i) under section 31305(a)(3) for the spe-  
24 cific class of vehicle the individual is operating;  
25               or

1 “(ii) under section 31305(a)(5) for the  
2 type of cargo the vehicle is carrying ; and”.

3 (d) CONFORMING AMENDMENTS.—Section  
4 31305(b)(1) of such title is amended—

5 (1) by striking “to operate the vehicle”; and

6 (2) by inserting before the period at the end “to  
7 operate the vehicle and has a commercial driver’s li-  
8 cense to operate the vehicle”.

9 **SEC. 202. CDL SCHOOL BUS ENDORSEMENT.**

10 Section 31305(a) of title 49, United States Code, is  
11 amended—

12 (1) by striking “and” at the end of paragraph  
13 (7);

14 (2) by striking the period at the end of para-  
15 graph (8)(B) and inserting “; and”; and

16 (3) by adding at the end the following:

17 “(9) shall prescribe minimum testing standards  
18 for the operation of a school bus (that is a vehicle  
19 described in section 31301(4)(B)) in a State that  
20 elects to issue a commercial driver’s license school  
21 bus endorsement and may prescribe different min-  
22 imum testing standards for different classes of  
23 school buses.”.

1 **SEC. 203. REQUIREMENTS FOR STATE PARTICIPATION.**

2 (a) NOTIFICATION OF STATE OFFICIALS.—Section  
3 31311(a)(9) of title 49, United States Code, is amended—

4 (1) by striking “operating a commercial motor  
5 vehicle”; and

6 (2) by inserting “commercial” before “driver’s  
7 license”.

8 (b) PROVISIONAL LICENSES.—Section 31311(a)(10)  
9 of such title is amended by inserting after “commercial  
10 driver’s license” the following: “(including a provisional or  
11 temporary commercial driver’s license)”.

12 (c) RECORDKEEPING.—Section 31311(a) of such title  
13 is amended by striking paragraph (13) and inserting the  
14 following:

15 “(13) The State shall (A) record in the driving  
16 record of an individual who has a commercial driv-  
17 er’s license issued by the State, and (B) make avail-  
18 able to all authorized persons and governmental en-  
19 tities having access to such record, all information  
20 the State receives under paragraph (9) with respect  
21 to the individual and every conviction by the State  
22 of the individual for a violation involving a motor ve-  
23 hicle (including a commercial motor vehicle) of a  
24 State or local law on traffic control (except a park-  
25 ing violation), not later than 10 days after the date

1 of receipt of such information or the date of such  
2 conviction.”.

3 (d) NONCOMMERCIAL MOTOR VEHICLE CONVIC-  
4 TIONS.—Section 31311(a) of title 49, United States Code,  
5 is amended by adding at the end the following:

6 “(18) The State shall revoke, suspend, or can-  
7 cel, for a period determined in accordance with regu-  
8 lations issued by the Secretary under section  
9 31310(g), the commercial driver’s license of an indi-  
10 vidual who has been convicted of serious offenses in-  
11 volving a motor vehicle other than a commercial  
12 motor vehicle.”.

13 (e) CONFORMING AMENDMENT.—Section  
14 31311(a)(15) of such title is amended by striking “sub-  
15 sections (b)–(e), (g)(1)(A), and (g)(2) of”.

16 **SEC. 204. STATE NONCOMPLIANCE.**

17 (a) IN GENERAL.—Section 31314 of title 49, United  
18 States Code, is amended—

19 (1) in the section heading by striking “**With-**  
20 **holding amounts for**”; and

21 (2) by adding at the end the following:

22 “(d) COMMERCIAL DRIVER’S LICENSES.—

23 “(1) STATE NOT IN SUBSTANTIAL COMPLI-  
24 ANCE.—If the Secretary determines that a State is  
25 not in substantial compliance with a requirement of



1 section 31311(a), the Secretary shall issue an order  
2 declaring that all commercial driver's licenses issued  
3 by the State after the date of the order are not valid  
4 and the State may not issue any commercial driver's  
5 licenses after the date of such order.

6 “(2) PREVIOUSLY ISSUED LICENSES.—Nothing  
7 in this subsection shall be construed as invalidating  
8 or otherwise affecting commercial driver's licenses  
9 issued by a State before the date of issuance of an  
10 order under paragraph (1) with respect to the State.

11 “(3) STATE IN SUBSTANTIAL COMPLIANCE.—A  
12 State subject to an order under paragraph (1) may  
13 not resume issuing commercial driver's licenses until  
14 the Secretary determines that the State is in sub-  
15 stantial compliance with all of the requirements of  
16 subsection 31311(a).

17 “(4) NONRESIDENT CDLS.—Any State other  
18 than a State subject to an order under paragraph  
19 (1) shall issue a nonresident commercial driver's li-  
20 cense to any individual domiciled in a State subject  
21 to such an order who meets all of the requirements  
22 of this chapter and any applicable State licensing re-  
23 quirements.”.

1 (b) CONFORMING AMENDMENT.—The analysis for  
 2 chapter 313 of such title is amended by striking the item  
 3 relating to section 31314 and inserting the following:

“31314. State noncompliance.”.

4 **SEC. 205. 24-HOUR STAFFING OF TELEPHONE HOTLINE.**

5 Section 4017 of the Transportation Equity Act for  
 6 the 21st Century (49 U.S.C. 31143 note; 112 Stat. 413)  
 7 is amended—

8 (1) by redesignating subsections (c) and (d) as  
 9 subsections (d) and (e), respectively;

10 (2) by inserting after subsection (b) the fol-  
 11 lowing:

12 “(c) STAFFING.—The toll-free telephone system shall  
 13 be staffed 24 hours a day 7 days a week by individuals  
 14 knowledgeable about Federal motor carrier safety regula-  
 15 tions and procedures.”; and

16 (3) in subsection (e) (as redesignated by para-  
 17 graph (1) of this section) by striking “for each of  
 18 fiscal years 1999” and inserting “for fiscal year  
 19 1999 and \$375,000 for each of fiscal years 2000  
 20 through 2003”.

21 **SEC. 206. CHECKS BEFORE ISSUANCE OF DRIVER’S LI-**  
 22 **CENSES.**

23 Section 30304 of title 49, United States Code, is  
 24 amended by adding at the end the following:

1       “(e) DRIVER RECORD INQUIRY.—Before issuing a  
2 motor vehicle operator’s license to an individual, a State  
3 shall request from the Secretary information from the Na-  
4 tional Driver Register under section 30302 and the com-  
5 mercial driver’s license information system under section  
6 31309 on the individual’s driving record.”.

7       **SEC. 207. BORDER STAFFING STANDARDS.**

8       (a) DEVELOPMENT AND IMPLEMENTATION.—Not  
9 later than 1 year after the date of enactment of this Act,  
10 the Secretary of Transportation shall develop and imple-  
11 ment appropriate staffing standards for Federal and State  
12 motor carrier safety inspectors in international border  
13 areas.

14       (b) FACTORS TO BE CONSIDERED.—In developing  
15 standards under subsection (a), the Secretary shall con-  
16 sider volume of traffic, hours of operation of the border  
17 facility, types of commercial motor vehicles, types of cargo,  
18 delineation of responsibility between Federal and State in-  
19 spectors, and such other factors as the Secretary deter-  
20 mines appropriate.

21       (c) MAINTENANCE OF EFFORT.—The standards de-  
22 veloped and implemented under subsection (a) shall ensure  
23 that the United States and each State will not reduce its  
24 respective level of staffing of motor carrier safety inspec-

1 tors in international border areas from its average level  
2 staffing for fiscal year 2000.

3 (d) BORDER COMMERCIAL MOTOR VEHICLE AND  
4 SAFETY ENFORCEMENT PROGRAMS.—

5 (1) ENFORCEMENT.—If, on October 1, 2001,  
6 and October 1 of each fiscal year thereafter, the  
7 Secretary has not ensured that the levels of staffing  
8 required by the standards developed under sub-  
9 section (a) are deployed, the Secretary shall des-  
10 ignate 5 percent of amounts made available for allo-  
11 cation under section 31104(f)(1) of title 49, United  
12 States Code, for such fiscal year for States, local  
13 governments, and other persons for carrying out  
14 border commercial motor vehicle safety programs  
15 and enforcement activities and projects.

16 (2) ALLOCATION.—The amounts designated  
17 pursuant to this subsection shall be allocated by the  
18 Secretary to State agencies, local governments, and  
19 other persons that use and train qualified officers  
20 and employees in coordination with State motor ve-  
21 hicle safety agencies.

22 (3) LIMITATION.—If the Secretary makes a  
23 designation pursuant to paragraph (1) for a fiscal  
24 year, the Secretary may not make a designation

1 under section 31104(f)(2)(B) of title 49, United  
2 States Code, for such fiscal year.

3 **SEC. 208. MINIMUM AND MAXIMUM ASSESSMENTS.**

4 (a) IN GENERAL.—The Secretary of Transportation  
5 should ensure that motor carriers operate safely by impos-  
6 ing civil penalties at a level calculated to ensure prompt  
7 and sustained compliance with Federal motor carrier safe-  
8 ty and commercial driver’s license laws.

9 (b) ESTABLISHMENT.—The Secretary—

10 (1) should establish and assess minimum civil  
11 penalties for each violation of a law referred to in  
12 subsection (a); and

13 (2) shall assess the maximum civil penalty for  
14 each violation of a law referred to in subsection (a)  
15 by any person who has previously been found to  
16 have committed the same violation or a related viola-  
17 tion.

18 (c) EXTRAORDINARY CIRCUMSTANCES.—If the Sec-  
19 retary determines and documents that extraordinary cir-  
20 cumstances exist which merit the assessment of any civil  
21 penalty lower than any level established under subsection  
22 (b), the Secretary may assess such lower penalty.

23 (d) REPORT TO CONGRESS.—

24 (1) IN GENERAL.—The Secretary shall conduct  
25 a study of the effectiveness of the revised civil pen-

1 alties established in the Transportation Equity Act  
2 for the 21st Century and this Act in ensuring  
3 prompt and sustained compliance with Federal  
4 motor carrier safety and commercial driver's license  
5 laws.

6 (2) SUBMISSION TO CONGRESS.—The Secretary  
7 shall transmit the results of such study and any rec-  
8 ommendations to Congress by September 30, 2002.

9 (e) SEMIANNUAL AUDIT BY INSPECTOR GENERAL.—  
10 The Inspector General of the Department of Transpor-  
11 tation shall conduct a semiannual audit of the National  
12 Motor Carrier Administration's enforcement activities, in-  
13 cluding an analysis of the number of violations cited by  
14 safety inspectors and the level of fines assessed and col-  
15 lected for such violations, and of the number of cases in  
16 which there are findings of extraordinary circumstances  
17 under subsection (c) and the circumstances in which these  
18 findings are made and shall promptly submit the results  
19 of each such audit to Congress.

20 **SEC. 209. STUDY OF COMMERCIAL MOTOR VEHICLE CRASH**  
21 **CAUSATION AND DATA IMPROVEMENT.**

22 (a) OBJECTIVES.—The Secretary of Transportation  
23 shall conduct a comprehensive study to determine the  
24 causes of, and contributing factors to, crashes that involve  
25 commercial motor vehicles. The study shall also identify

1 data requirements and collection procedures, reports, and  
2 other measures that will improve the Department of  
3 Transportation's and States' ability to—

4 (1) evaluate future crashes involving commer-  
5 cial motor vehicles;

6 (2) monitor crash trends and identify causes  
7 and contributing factors; and

8 (3) develop effective safety improvement policies  
9 and programs.

10 (b) DESIGN.—The study shall be designed to yield  
11 information that will help the Department and the States  
12 identify activities and other measures likely to lead to sig-  
13 nificant reductions in the frequency, severity, and rate per  
14 mile traveled of crashes involving commercial motor vehi-  
15 cles. As practicable, the study shall rank such activities  
16 and measures by the reductions each would likely achieve,  
17 if implemented.

18 (c) CONSULTATION.—In designing and conducting  
19 the study, the Secretary shall consult with persons with  
20 expertise on—

21 (1) crash causation and prevention;

22 (2) commercial motor vehicles, drivers, and car-  
23 riers;

24 (3) highways and noncommercial motor vehicles  
25 and drivers;

1           (4) Federal and State highway and motor car-  
2       rier safety programs;

3           (5) research methods and statistical analysis;  
4       and

5           (6) other relevant topics.

6       (d) PUBLIC COMMENT.—The Secretary shall make  
7       available for public comment information about the objec-  
8       tives, methodology, implementation, findings, and other  
9       aspects of the study.

10       (e) REPORT.—The Secretary shall promptly transmit  
11       the results of the study, together with any legislative rec-  
12       ommendations, to Congress. The Secretary shall review  
13       the study at least once every 5 years and update the study  
14       and report as necessary.

15       (f) DATA IMPROVEMENTS.—Based on the findings of  
16       the study, the Secretary shall work with the States, and  
17       other appropriate entities, to standardize crash data re-  
18       quirements, collection procedures, and reports.

19       (g)       ELIGIBILITY.—Notwithstanding       section  
20       104(a)(4) of title 23, United States Code, activities under  
21       this section shall be eligible for funding under section  
22       104(a) of such title and may be carried out by any entity  
23       within the Department that the Secretary designates.

○